

Previous Question.

90. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

91. Pending the consideration or discussion of any point of order before the presiding officer and the Senate or either, any Senator may demand that the point of order be immediately decided, and if seconded by ten Senators the presiding officer shall submit the question, "Shall the point of order be now decided;" if a majority vote is in favor of it the point of order shall immediately be decided by the presiding officer, and if an appeal from his decision is taken the appeal shall be immediately decided by the Senate without debate.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 25, 1911.

Senate met pursuant to adjournment, President Pro Tem. Hudspeth presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Perkins.
Greer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.

Ward.
Warren.

Weinert.
Willacy.

Absent.

Watson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)

BILLS AND RESOLUTIONS.

By Senator Cofer:

Senate Concurrent Resolution No. 9, A concurrent resolution relating to the practice of polygamy and polygamous co-habitation and contemplating an amendment to the Constitution of the United States forbidding such practices.

Read first time and referred to Judiciary Committee No. 2.

By Senators Cofer, Ratliff, and Sturgeon:

Senate bill No. 101, A bill to be entitled "An Act providing for the establishment, maintenance, control and management of District Agricultural High Schools, prescribing courses of study to be taught therein, designating who are entitled to attend such District Agricultural High Schools and making appropriation to carry out the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnson:

Senate bill No. 102, A bill to be entitled "An Act to amend Section 121, of Chapter 124, of the laws passed by the Regular Session of the Twenty-ninth Legislature, relating to Normal School and Summer Normal certificates, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Vaughan:

Senate bill No. 103, A bill to be entitled "An Act to amend the Re-

vised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, so as to add thereto Article 1183b, providing that allegations of fact in the pleadings of a party to any suit in the district or county court shall be taken as confessed as to any adverse party who fails to file in reply an affidavit denying the truth of such allegations, and prescribing the form of such affidavit."

Read first time and referred to Judiciary Committee No. 1.

By Senator Kauffman:

Senate bill No. 104, A bill to be entitled "An Act designating the 12th day of October of each year as a public and legal holiday, to be known as Columbus Day."

Read first time and referred to Committee on State Affairs.

By Senator Vaughan:

Senate bill No. 105, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted at Regular Session of the Twenty-fourth Legislature, so as to add thereto Article 1182a, requiring the general denial filed by a defendant to be verified by his affidavit."

Read first time and referred to Judiciary Committee No. 1.

By Senator Vaughan:

Senate bill No. 106, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature so as to add thereto Article 1183a, providing that the pleadings of the parties shall be verified by their affidavits."

Read first time and referred to Judiciary Committee No. 1.

By Senator Vaughan:

Senate bill No. 107, A bill to be entitled "An Act to amend Article 1188 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, regulating the pleading and practice in the district and county courts in respect to the making of new parties and the filing of amendments to pleadings, etc."

Read first time and referred to Judiciary Committee No. 1.

By Senator Vaughan:

Senate bill No. 108, A bill to be

entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, so as to add thereto Article 1107a, providing for giving the judges of the district courts the power in vacation to exercise all powers as fully as in term time, except to enter final judgment, regulating procedure in such matters as are transacted in vacation."

Read first time and referred to Judiciary Committee No. 1.

By Senator Cofer:

Senate bill No. 109, A bill to be entitled "An Act abolishing what is known as 'The Rule in Shelley's Case,' and making a rule of evidence in certain cases so that the words 'heirs' or 'heirs of the body' shall be construed as words of purchase and not as words of limitation, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

Morning call concluded.

(By unanimous consent, after the morning call was concluded.)

By Senator Ratliff:

Senate bill No. 110, A bill to be entitled "An Act to simplify the certification of teachers, repealing Sections 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122 and 125 of Chapter 124 of Acts of the Twenty-ninth Legislature, Sections 122 and 124 of Chapter 124 of Acts of the Twenty-ninth Legislature, as amended by Acts of Thirty-first Legislature, Second Called Session, Chapter 7 and Sections 2, 3 and 4 of Chapter 68, and Sections 1 and 2, Chapter 149, Acts of the Thirtieth Legislature, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Murray and Vaughan:

Senate bill No. 111, A bill to be entitled "An Act to provide for the sale of the land belonging to the public free school fund and the fund of the several asylums, providing for the reservation of the minerals in such of said lands as may be classed as mineral, and suspending sales from July 1, 1911, to January 1, 1912, and repealing all former statutes relating to sales of said land

so far as future sales are concerned, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Mayfield:

Senate bill No. 112, A bill to be entitled "An Act to provide for the establishment of the teaching of cotton grading in the State normal schools, county institutes and all other industrial institutes that may hereafter be established, and providing rules and regulations governing same."

Read first time and referred to Committee on Educational Affairs.

By Senator Sturgeon:

Senate bill No. 113, A bill to be entitled "An Act providing for publicity of contributions to campaign funds in this State, providing penalties for its violation and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Cofer:

Senate bill No. 114, A bill to be entitled "An Act to allow a suit for rent to be joined with an action of forcible entry and detainer wherever the amount is within the jurisdiction of the justice court, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Cofer:

Senate bill No. 115, A bill to be entitled "An Act to amend Article 2302, Chapter 4, Title 40, Revised Statutes of Texas, 1895, so as to include "devisees or legatees" among the class of persons prohibiting from testifying in actions by or against executors, administrators or guardians in which judgment may be rendered for or against them as such, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

ADDITION TO STANDING COMMITTEE.

(On Educational Affairs.)

Senator Perkins, Chairman of Committee on Educational Affairs, moved that Senator Warren be added to the Standing Committee on Educational Affairs. The motion was adopted.

INVITATION TO ADDRESS THE SENATE.

Senator Townsend here moved that ex-Senator B. F. Rogers of Anderson county be invited to address the Senate at some time to suit his convenience.

The motion was adopted.

BILL RE-REFERRED.

On motion of Senator Bryan, Senate bill No. 39, reported from the committee on yesterday, was re-referred to Committee on Educational Affairs.

RESOLUTION.

By Senator Paulus:

Resolved, That the following be adopted as amendment to Rules:

Amend the Rules by adding Rule 69g. "No member of this Senate, who is either an active, dormant or receptive candidate for Congress, from the State of Texas, either at large or from any district now formed or to be formed, shall be placed by this Senate on the Committee to redistrict this State into Congressional Districts, when the same is selected by this Senate."

The above resolution was read and laid on the table for one day.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Texas, Jan. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 59, A bill to be entitled "An Act to prohibit the operation of street cars and interurban cars unless such cars are provided with screens or vestibules, which will protect the motormen, gripmen or other operators of such cars from inclement weather, from the first day of November until the fifteenth day of March of each year; to provide penalties for violations of this Act, and fees and commissions for attorneys bringing suits; and to fix venue for such suits."

Senate Concurrent Resolution No. 6, A resolution inviting Hon. Chas. A. Culberson to address a joint session of the Legislature on January 25, immediately following the election of a United States Senator, and

providing for a committee to arrange for same.

Respectfully,
BOB BARKER,
Chief Clerk.

SENATE BILL NO. 83.

On motion of Senator McNealus, the pending order of business (consideration of House bill) was suspended, and the Senate took up, out of its order, Senate bill No. 83 by the following vote:

Yeas—30.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Watson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 17, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title 29, of the Revised Civil Statutes of the State of Texas, requiring the court to charge the jury before argument."

House bill No. 27, A bill to be entitled "An Act for the erection of a monument over the remains of General Stephen F. Austin in the State cemetery at Austin, Texas, to make an appropriation therefor and to declare an emergency."

Respectfully,
BOB BARKER,
Chief Clerk.

SENATE BILL NO. 83.

Action then recurred on the pending business, and the Chair laid be-

fore the Senate on second reading.

Senate bill No. 83, A bill to be entitled "An Act to amend Section 60 and 128a, Chapter 11 of the laws of the Special Session of 1905, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903, so as to hereafter read as follows, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

Senator Peeler offered the following amendment:

Amend the bill by inserting at the end of Section 2 by adding the following:

Provided further, That this Act shall not repeal the provisions of any charter heretofore or hereafter specially granted to any city in this State.

Senator Weinert offered the following amendment to the amendment:

Add at the end of the amendment offered by the Senator from Travis the following:

And provided further that this section shall not apply to cities and towns incorporated under the general laws.

WEINERT,
CARTER,
STURGEON.

The amendment to the amendment was adopted, and Senator Cofer moved to reconsider the vote by which the amendment to the amendment was adopted.

The motion to reconsider prevailed, and the amendment to the amendment was withdrawn.

Action recurred on the amendment by Senator Peeler, and the same was adopted.

Bill having been read second time, was ordered engrossed.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Carter.
Astin.	Cofer.
Bryan.	Collins.

Greer.	Perkins.
Hudspeth.	Ratliff.
Hume.	Real.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Warren.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—2.

Murray.	Sturgeon.
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Absent.

Watson.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Paulus .
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Nays—3.

Kauffman.	Real.
Murray.	

Absent.

Watson.

Here the Chair stated that the hour, 12 o'clock, noon, had arrived, which time had been previously designated for the Senate to sit in joint session with the House of Representatives for the purpose of declaring the result of the vote for United States Senator and to hear the address of Senator Culberson. The Senate repaired to the House in order.

ELECTION OF UNITED STATES SENATOR.

(In Joint Session.)

The hour of 12 o'clock, meridian, fixed by concurrent action of the two

Houses for the Senate and House of Representatives to meet in joint session for the purpose of declaring the result of the ballots on yesterday in each House for United States Senator, having arrived, the Honorable Senate of Texas, being announced at the bar of the House, were, by direction of the Speaker, admitted.

Escorted by the Sergeant-at-Arms of the Senate, James Hornbuckle, the Secretary of the Senate, Clyde D. Smith, and the Journal Clerk of the Senate, R. M. Gilmore, the Honorable Senators advanced into the Hall, and, by direction of the Speaker of the House, occupied seats along the aisle already prepared for them.

The President Pro Tem. of the Senate, Hon. Claude Hudspeth, by invitation of the Speaker, occupied a seat on the Speaker's stand to the right of the Speaker.

The President Pro Tem. of the Senate then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Watson.

Number of Senators present, 30.

Necessary to a quorum of the Senate, 21.

The President Pro Tem. of the Senate announced a quorum of the Senate present.

The Speaker of the House then directed the Clerk to call the roll of the House.

The roll was called, and the following members answered to their names:

Aston.	Baker of Panola.
Baker of Hood.	Barrett.

Bierschwale.	Lane.
Birdsong.	Lawson.
Bolin.	Leach.
Bonner.	Lee.
Brooks.	Logan.
Brookshire.	Mangum.
Broughton.	Martin.
Brown.	Maxwell.
Brownlee.	McDaniel.
Buffington.	McDowra.
Burns.	McGown.
Byrne.	McKinney.
Cable.	McNeal.
Camp.	Mikeska.
Cathey.	Minton.
Caves.	Morris.
Chapin.	Mulcahy.
Coffey.	Nickels of Hill.
Corder.	Nichols of Hunt.
Cox of Eastland.	Oliver.
Cox of Rockwall.	Parker.
Cranke.	Pharr.
Craven.	Porter.
Crisp.	Robertson of Bell.
Cureton.	Rogers.
Davis.	Ross.
Dillard.	Rowell.
Donegan.	Rucks.
Dotson.	Russell.
Dunn.	Savage.
Elliott.	Schlick.
Fant.	Schluter.
Flournoy.	Self.
Gaither.	Shannon.
Gleptner.	Singleton.
German.	Smith of Atascosa.
Gilmore.	Smith of Houston.
Goodner.	Spradley.
Graham.	Stamps.
Gross.	Standifer.
Hall.	Stead.
Hamilton	Stepter.
of Childress.	Stevens.
Hamilton	Stevenson.
of McCulloch.	Tarver.
Haney.	Terrell
Harmon.	of Cherokee.
Heilig.	Turney.
Henry.	Wahrmund.
Herder.	Walker.
Highsmith.	Watson.
Hillyer.	White.
Hornby.	Williams
Hubbard.	of Dallas.
Humphrey.	Williams
Hunt.	of McLennan.
Johnston.	Wood.
Keeble.	Woods.
Kraitcher.	Wortham.
Landry.	Yarbrough.

Absent.

Buchanan.	Maddox.
Fountain.	Robertson
Kennedy.	of Travis.

12—S.

Stone.	Terrell of Bexar
Teel.	

Absent—Excused.

Bagby.	Hill.
Campbell.	Randolph.
Haxthausen.	

Number of Representatives present, 120.

Necessary to a quorum of the House, 89.

The Speaker announced a quorum of the House present.

Speaker Rayburn then announced that, in accordance with law and a concurrent resolution duly adopted by both Houses, the two Houses of the Thirty-second Legislature are now in Joint Session for the purpose of comparing the proceedings had in separate session on yesterday touching the election of a United States Senator.

The President Pro Tem. of the Senate then directed the Secretary of the Senate to read from the Senate Journal of yesterday the proceedings had in the Senate yesterday in election of United States Senator.

The Secretary then read the following from the Senate Journal of yesterday:

(Extract from the Senate Journal of Tuesday, January 24, 1911.)

NOMINATIONS FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11 o'clock a. m. having arrived, and that the special order for that time being to vote for United States Senator, he declared nominations for said office in order.

Senator McNealus nominated Senator Charles A. Culberson.

Senators Carter, Greer, Hume, Sturgeon, Willacy, Perkins, Vaughan, Ratliff, Adams, Lattimore, Cofer, Collins, Real, Mayfield, Ward, Aston, and Peeler briefly seconded the nomination of Senator Culberson.

There were no other nominations.

Nominations for United States Senator having closed, the Chair (President Pro Tem. Hudspeth), ordered the roll called, each Senator rising at his seat and announcing his choice for the office, the vote resulting as follows:

For Charles A. Culberson:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Neachum.	Willacy.
Murray.	

The President Pro Tem. of the Senate announced that Hon. Chas. A. Culberson had received 31 votes, being all the votes cast in the Senate.

Mr. Minton moved that Governor Colquitt and Ex-Governor Sayers, who were present in the Hall, be invited to seats on the Speaker's stand.

The motion prevailed.

In accordance with above action, the Speaker announced the appointment of Mr. Minton on part of the House, and the President Pro Tem. of the Senate announced the appointment of Senator Sturgeon on part of the Senate, to escort Governor Colquitt and Ex-Governor Sayers to the Speaker's stand.

The committee then performed the duty assigned them.

Speaker Rayburn then directed the Clerk to read from the House Journal of yesterday the proceedings had in the election of United States Senator.

The Clerk then read as follows from the House Journal of yesterday:

(Extract from the House Journal of Tuesday, January 24, 1911.)

ELECTION OF UNITED STATES SENATOR.

Speaker Rayburn announced that the hour, 11 o'clock a. m., set apart by concurrent action of the two Houses for the House of Representatives to nominate and vote for United States Senator, having arrived, nominations for United States Senator are now in order.

Hon. T. D. Rowell of Marion county nominated Hon. Chas. A. Culberson of Dallas county.

Hon. Geo. A. Harmon of Dallas

county seconded the nomination of Hon. Chas. A. Culberson.

Hon. W. W. Caves of Live Oak county seconded the nomination of Hon. Chas. A. Culberson.

Hon. John E. Davis of Dallas county seconded the nomination of Hon. Chas. A. Culberson.

Hon. B. F. Cathey of Wood county seconded the nomination of Hon. Chas. A. Culberson.

Hon. R. B. Humphrey of Throckmorton county seconded the nomination of Hon. Chas. A. Culberson.

Hon. Chester H. Terrell of Bexar county seconded the nomination of Hon. Chas. A. Culberson.

Hon. W. C. McGown of El Paso county seconded the nomination of Hon. Chas. A. Culberson.

Hon. Forrest Gaither of Falls county seconded the nomination of Hon. Chas. A. Culberson.

Hon. W. A. Tarver of Navarro county seconded the nomination of Hon. Chas. A. Culberson.

There being no further nominations the Speaker declared nominations closed, and directed the Clerk to call the roll.

The roll was called, and each member, rising from his seat as his name was called, announced his choice.

The following members voted for Hon. Chas. A. Culberson:

Mr. Speaker.	Dillard.
Aston.	Donegan.
Baker of Hood.	Dotson.
Baker of Panola.	Dunn.
Barrett.	Elliott.
Bierschwale.	Fant.
Birdsong.	Fountain.
Bonner.	Gaither.
Brooks.	Gieptner.
Brookshire.	German.
Broughton.	Gilmore.
Brown.	Goodner.
Brownlee.	Gross.
Buffington.	Hall.
Burns.	Hamilton
Cable.	of Childress.
Campbell.	Hamilton
Cathey.	of McCulloch.
Caves.	Haney.
Chapin.	Harmon.
Coffey.	Heilig.
Corder.	Henry.
Cox of Eastland.	Herder.
Cox of Rockwall.	Highsmith.
Cranke.	Hillyer.
Craven.	Hornby.
Crisp.	Hubbard.
Cureton.	Humphrey.
Davis.	Hunt.

Johnston.	Savage.
Keeble.	Schlick.
Kennedy.	Schluter.
Kraitcher.	Self.
Landry.	Shannon.
Lane.	Singleton.
Lawson.	Smith of Atascosa.
Leach.	Smith of Houston.
Lee.	Spradley.
Logan.	Stamps.
Maddox.	Standifer.
Mangum.	Stepter.
Martin.	Stevens.
McDaniel.	Stevenson.
McDowra.	Stone.
McGown.	Tarver.
McKinney.	Teel.
McNeal.	Terrell of Bexar.
Minton.	Terrell
Morris.	of Cherokee.
Mulcahy.	Turney.
Nickels of Hill.	Wahrmund.
Nichols of Hunt.	Walker.
Oliver.	Watson.
Parker.	White.
Pharr.	Williams
Porter.	of Dallas.
Robertson of Bell.	Williams
Rogers.	of McLennan.
Ross.	Wood.
Rowell.	Woods.
Rucks.	Wortham.
Russell.	Yarbrough.

The following members were absent:

Camp.	Mikeska.
Flournoy.	

The following members were absent—excused:

Bagby.	Hill.
Bolin.	Maxwell.
Buchanan.	Randolph.
Byrne.	Robertson
Graham.	of Travis.
Haxthausen.	Stead.

Total number of votes cast for Hon. Chas. A. Culberson, 119.

The Speaker then announced that the Senate and House of Representatives of the Thirty-second Legislature would meet in joint session tomorrow at 12 o'clock m., in the Hall of the House of Representatives, for the purpose of comparing the vote for United States Senator.

Speaker Rayburn then announced that Hon. Chas. A. Culberson had received a majority of all the votes cast in the House.

VOTE COMPARED.

Speaker Rayburn then directed the Chief Clerk and Secretary to compare the votes cast in the two houses for United States Senator.

The vote was compared, and the following result was announced by the Chief Clerk of the House and the Secretary of the Senate:

	Senate.	House.	Total.
Chas. A. Culberson.	31	119	150

Speaker Rayburn then declared that Chas. A. Culberson, having received a majority of all the votes cast, he was duly, legally and constitutionally elected United States Senator from the State of Texas for the ensuing term of six years, beginning March 4, 1911.

At 12:15 o'clock p. m., the joint committee, heretofore appointed, appeared in the hall accompanied by Senator Culberson and proceeded to the Speaker's stand, where they were seated.

Speaker Rayburn then presented Hon. Louis J. Wortham to the joint session, who introduced Senator Culberson.

Senator Culberson then addressed the joint session and the assemblage and said:

This is the third time the Legislature and the people of Texas have conferred upon me the high honor of an election to the Senate of the United States. Under normal circumstances my pride in this marked evidence of public confidence and approval would indeed be great. When it is recalled, however, that last year when the primary was held, and for months afterwards, I was ill and unable to attend to my official duties or make a campaign, it is not affectation to say that it is beyond my power to express my deep sense of gratitude and obligation. It must therefore suffice to assure you and the people of the State, in simple but heartfelt words, of my profound and abiding appreciation of this action, and to pledge anew my fidelity to the honor and the welfare of this mighty commonwealth.

It would be a trespass upon your indulgence and public duties for me to speak at length today on any subject, and yet I will venture to do more than accept the distinguished office to which you have elected me. This Legislature is democratic, this

splendid audience is democratic, and the occasion as well as general political conditions will justify, if they do not demand, some expression concerning the great party to which we belong and to which the awakened civic conscience of the country now looks for complete deliverance from Republican misrule and misgovernment.

The democratic party, I love to declare, is the party of Independence, of the Constitution, and of the formative period of our history. Its founder gave us the charter of our liberties, its second President wrote the Federal Constitution, and its subsequent apostles and leaders successfully conducted the government during the era of trial and growth and maturity which followed the overthrow of the Federalists and the attempt at centralization. The party survived the fiercest and bloodiest civil war of all the ages; it rescued eleven Southern states and preserved their civilization from the injustices and cruelties of reconstruction; and it has risen above the unjust opprobrium of responsibility for human slavery in the United States. No political party of any age or clime has battled against such odds or maintained itself in so many conflicts in which its life was imperiled and involved. It has sometimes won triumphs by appeals to political and temporary expedients, but it has escaped absolute destruction at times only because its principles represent the vital forces of liberty and representative democracy, and can never perish except with our form of government.

In the recent campaign the party, after many defeats, won a decisive and memorable victory because it stood for its basic and structural philosophies of government; because it represented progress in such matters and insisted upon the people taking a larger and more direct share in public affairs; and because it demanded that trusts should be destroyed, that corporations should be regulated and controlled and that selfish and special interests should no longer dictate legislation to burden and oppress the masses. In that contest New Nationalism was strangled. The proposition which this dogma involves, to merge the executive, legislative and judicial functions, as well as the whole reserved

power of the people, into a Supreme Executive who should be Steward of the general welfare unrestrained by positive law, has been the argument and dream of every tyrant since the world began. Against it, the instinct, the intelligence, and the patriotism of the people rebelled, and they turned again with enthusiasm to the ancient democratic faith which fears and would restrain all power, which would separate and make independent the three great departments of government, which champions the reserved rights of the States and which would limit Federal authority to the enumerated grants of the Constitution. Not for half a century have these fundamental principles of democracy met such emphatic and pronounced approval by the suffrages of the American people.

I cannot resist the belief that another of the controlling influences in the late election was the position of the democratic party that there should be a distinctly forward movement in the interest of popular government, and its insistence that the part of the people in public affairs should be greater and more direct than heretofore. This government is a representative, not a pure, democracy, and in his letter to the Greeks in 1823, Jefferson said:

"The equal rights of man, and the happiness of every individual, are now acknowledged to be the only legitimate objects of government. Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to wit: government by the people, acting not in person, but by representatives chosen by themselves, that is to say, by every man of ripe years and sane mind, who either contributes by his purse or person to the support of the government."

But the people are entitled to adopt measures whereby they may be truly represented, and I have no doubt that, consistently with the spirit of representative democracy, they intend ultimately to govern themselves in fact as well as in theory. It is idle to talk longer of lack of intelligence and the passions of the mob, for the great body of our citizenship is intelligent and fitted for self-government. In their party affairs they can rightfully demand the

direct primary in which to select their nominees, and in the election of Senators of the United States, and other officers, they should vote directly and not indirectly through their State legislatures and other substitutes.

With equal emphasis and vigor the people in November endorsed, I believe, the position of the democratic party on the trusts, on the control and regulation of corporations, and on the domination of selfish and special interests in legislation. Within the bounds of these three subjects lie the prime causes of the exorbitant and oppressive increases in the cost of living. From these merciless exactions no class is exempt, yet with the less fortunate and poorer classes they have often amounted to actual deprivation of the very necessities of life. These are the supreme politico-economic questions which now confront the country, for they involve living and fair prices for food, clothing, fuel, household goods, building material, agricultural implements and transportation, and that vital phase of the problem of Federal taxation whether the privileged classes who have entrenched themselves in national authority shall continue to debauch the taxing power and pervert it from public to private purposes. To remedy these evils so far as legislation and the enforcement of law may do so, the democratic party in its platform properly and justly declared that trusts should be destroyed by civil and criminal punishment and by placing articles controlled by them on the free list, in order to create and foster competition; that the charges of public service corporations should be regulated and limited to reasonable rates; and that special and protected interests should no longer employ the tariff to amass colossal and unearned fortunes out of the labor of the consumers of the land.

Not alone were our principles and policies approved and a signal victory achieved. The future of the party is pregnant with high hopes, and just and reasonable expectations. The House of Representatives is ours, the Presidency is within our grasp, and the Senate itself, which for nearly half a century has been the refuge and fortress of the tariff barons and the money chang-

ers, is trembling in the balance. Yet to accomplish these things we must be faithful to our promises to the people, we must be loyal to our party principles, and we must turn our faces resolutely to the future, putting no reactionaries in front or in authority in our line of battle. If we follow this course and press courageously our undoubted advantages there is every prospect that constitutional government will be re-established and the people themselves restored to their rightful place as arbiters of the destiny of the republic.

SENATE RETIRES.

On motion of Senator Cofer, the Senate, at 12:40 o'clock p. m., retired to its chamber.

IN THE SENATE.

The Senate was called to order by President Pro Tem. Hudspeth.

HOUSE BILL NO. 81.

The Chair laid before the Senate as regular order on second reading, House bill No. 81, A bill to be entitled "An Act to grant a new charter to the city of Texarkana, Bowie county, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Vaughan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.

Warren.
Weinert.

Willacy.

Absent.

Greer.

Watson.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.
Meachum.
Murray.

Paulus.
Peeler.
Perkins.
Ratliff.
Real.
Sturgeon.
Terrell, McLennan.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Greer.

Watson.

Senator Vaughan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 92.

The Chair laid before the Senate as regular order and on second reading,

House bill No. 92, A bill to be entitled "An Act to incorporate the city of Longview and to grant it a charter, to define its powers and to prescribe its duties and liabilities; and to declare an emergency."

The committee report, providing that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.
Astin.
Bryan.

Carter.
Cofer.
Collins.

Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.
Meachum.
Paulus.
Peeler.
Perkins.

Real.
Sturgeon.
Terrell, McLennan.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Greer.
Murray.

Ratliff.
Watson.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.
Meachum.

Paulus.
Peeler.
Perkins.
Real.
Sturgeon.
Terrell, McLennan.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Greer.
Murray.

Ratliff.
Watson.

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

PENDING BUSINESS.

Senator Bryan here called up the simple resolution by himself and others, and a pending amendment. (See Journal of yesterday for resolution and amendment.)

Senator Willacy offered the following amendment, which was read and adopted:

Strike out the second paragraph and insert the following:

Resolved, That we request our Congressmen and United States Senators to lend their active support in securing the appropriation above referred to in addition to other appropriations for the several deep water

ports on the Texas coast now provided for in the Rivers and Harbors bill.

WILLACY,
MURRAY,
COLLINS.

The resolution, as amended, was then adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Mrs. Nannie W. Curtis be invited to address the Senate at 3 o'clock p. m. today.

SENATE BILL NO. 96.

On motion of Senator Warren the pending order of business (consideration of House bills) was suspended, and the Senate took up, out of its order, Senate bill No. 96, by the following vote:

Yeas—27.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent.

Greer.	Ratliff.
Murray.	Watson.

On motion of Senator Warren the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Kauffman.
Astin.	Lattimore.
Bryan.	Mayfield.
Carter.	McNealus.
Cofer.	Meachum.
Collins.	Paulus.
Hudspeth.	Peeler.
Hume.	Perkins.
Johnson.	Real.

Sturgeon.	Ward.
Terrell, McLennan.	Warren.
Terrell, Wise.	Weinert.
Townsend.	Willacy.
Vaughan.	

Absent.

Greer.	Ratliff.
Murray.	Watson.

On motion of Senator Warren the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading

Senate bill No. 96, A bill to be entitled "An Act making an appropriation to pay for repairs contracted for by the Board of Managers of the North Texas Hospital for the Insane, and declaring an emergency."

Bill read second time and ordered engrossed.

On motion of Senator Warren the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent.

Bryan.	Ratliff.
Greer.	Terrell, McLennan.
Murray.	Watson.

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Johnson.
Astin.	Kauffman.
Carter.	Lattimore.
Cofer.	Mayfield.
Collins.	McNealus.
Hudspeth.	Meachum.
Hume.	Paulus.

Peeler.
Perkins.
Real.
Sturgeon.
Terrell, Wise
Townsend.

Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Bryan.
Greer.
Murray.

Ratliff.
Terrell, McLennan.
Watson.

Senator Warren moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

Action here recurred on the simple resolution by Senator Cofer, inviting Mrs. Curtis to address the Senate this afternoon.

The resolution was read and adopted.

SENATE BILL NO. 64.

On motion of Senator Astin the pending order of business (consideration of House bills) was suspended, and the Senate took up, out of its order, Senate bill No. 64 by the following vote:

Yeas—25.

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.

Meachum.
Paulus.
Peeler.
Perkins.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.

Absent.

Greer.
Murray.
Ratliff.

Terrell, McLennan.
Watson.
Willacy.

The above bill having been reported favorably with the recommendation that it be printed, Senator Meachum moved that it "be not printed."

The motion prevailed.

On motion of Senator Astin the Senate rule requiring committee re-

ports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—26.

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.

Meachum.
Paulus.
Peeler.
Perkins.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Greer.
Murray.
Ratliff.

Terrell, McLennan.
Watson.

The Chair laid before the Senate on second reading

Senate bill No. 64, A bill to be entitled "An Act authorizing the city of Bryan to sell and convey certain public grounds within said city, and declaring an emergency."

Bill read second time and ordered engrossed.

On motion of Senator Astin the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.

Meachum.
Paulus.
Peeler.
Perkins.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.
Weinert.
Willacy.

Absent.

Greer.
Murray.
Ratliff.

Terrell, McLennan.
Watson.

The bill was read third time and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Weinert.
McNealus.	Willacy.

Absent.

Greer.	Terrell, McLennan.
Murray.	Watson.
Ratliff.	

Senator Astin moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Hudspeth) had referred, after their captions had been read, the following House bills:

(See House messages of today for captions.)

House bill No. 59, referred to Committee on Internal Improvements.

House bill No. 17, referred to Judiciary Committee No. 1.

House bill No. 27, referred to Committee on Finance.

ADJOURNMENT.

Senators Sturgeon and Perkins offered the following motion in writing:

Resolved, That the Senate stand adjourned until Friday morning at 10 o'clock, for the purpose of giving the committees a chance to report on all bills.

Senator Cofer moved as a substitute, that the Senate adjourn until 10 o'clock tomorrow (Thursday) morning.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock Friday morning prevailed by the following vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Weinert.
Meachum.	Willacy.

Nays—12.

Bryan.	McNealus.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Absent.

Greer.	Terrell, McLennan.
Murray.	Watson.
Ratliff.	

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan: Petition numerously signed by members of the Order of the Sons of Hermann of Texas asking that the Thirty-second Legislature amend Section 10, Chapter 36 of the Acts of the Thirty-first Legislature.

By Senator Terrell of McLennan: Communication numerously signed by citizens of McLennan county expressing approval of legislation proposing a special tax for the University of Texas.

By Senator Townsend:

At a meeting of the citizens of Crockett, held in the court house, January 20th, A. A. Aldrich was elected chairman, and C. L. Edmiston, secretary. J. W. Madden addressed the meeting, stating the object, and made the following motion, which was carried: The Chair appoint a committee of five, which shall draft resolutions agreeing to the consolidation of the Eastern Texas Railway with the St. Louis & Southwestern, provided the latter road will carry out the terms of charter and build to Crockett. The Chair appointed the following committee: Col. D. A. Nunn, J. W. Madden, I. A. Daniel, F. H. Bayne and

G. Q. King. Following resolution was presented by the committee and unanimously adopted by the mass meeting:

Be it Resolved, By the citizens of Houston county, in mass meeting assembled, That our Senator and Representative in the Thirty-second Legislature are hereby instructed that it is the sense of this meeting that no bill should be passed by said Legislature permitting the St. Louis & Southwestern Railway Co., otherwise known as the "Cotton Belt R. R.," to consolidate with the Eastern Texas Railroad, unless the same be accompanied by a strict requirement and obligation that said road be extended from its present terminus at Kennard in this county to Crockett within twelve months after the passage of such bill.

By Senator Weinert:

Petition numerously signed by members of the Order of Sons of Hermann of William Oldenburg Lodge No. 244, at Geronimo, asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Weinert:

Petition signed by 41 members of the Stern Lodge No. 143, O. D. H. S. of Texas, asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Weinert:

Petition from members of Clear Spring Lodge No. 106, Order of the Sons of Hermann of Texas, asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

Petitions to the above effect numerously signed by members of Thusneeda Lodge No. 37, O. D. H. S. of Texas, and members of Maxwell Lodge, O. D. H. S. of Texas.

By Senator Ward:

Petition numerously signed by citizens of Hill County, in his district, citing that the present laws of Texas are inadequate and defective and asking that the Legislature change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senator Terrell of McLennan:
Waco, Texas, Jan. 20, 1911.

Hon. H. B. Terrell, Austin, Texas.

Dear Sir: Whereas, A concurrent resolution for an amendment to the Federal Constitution prohibiting polygamy and polygamous practices, has passed in the thirteen of our States, we are assured that polygamy still exists in certain places in our country notwithstanding prohibitory statutes heretofore enacted; therefore your sister women of Texas pray you in the name of your own mother and loved ones to use your influence as our Representative in wiping out this blot on the purity of the Nation's homes.

Yours very respectfully,

MRS. S. J. SWEENEY,

State W. C. T. U. Evangelist.

By Senator Lattimore:

Petition numerously signed by citizens of his district asking that his support be given to an act creating the office of State Inspector of Masonry, fixing the term of said office and prescribing conditions relating thereto.

By Senator Lattimore:

Petition numerously signed by citizens of Somervell county asking the Legislature to exempt that county from the operations of the fish law, or else that the Brazos river be exempted.

By Senator Collins:

Petition numerously signed by citizens of Orange, Texas, asking support for concurrent resolution proposing an amendment to the Constitution of the United States regarding polygamy and polygamous practices.

By Senator Paulus:

Petition signed by members of Hackberry Lodge No. 158, Order of the Sons of Hermann, asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Paulus:

Petition from citizens of Garwood, Texas, W. C. T. U. organization, urging support of concurrent resolution regarding polygamy and polygamous practices in the United States.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to prohibit any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State from feeding or permitting to be fed any work animal in said mines, or to store or keep any feed for such animal in said mines; providing that no work animal shall be permitted to remain in any mine longer than ten consecutive hours; fixing penalties for the violation of this Act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: Your Committee on Insurance Statistics and History, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature and approved April 12, 1907, also relating to the same subject; so as to further define what banks or banking institutions may become State Depositories, and providing for the advertising of bids for the safe keeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report

it back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: Your Committee on Finance to whom was referred

Senate bill No. 96, A bill to be entitled "An Act making an appropriation to pay for repairs contracted for by the Board of Managers of the North Texas Hospital for the Insane, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

(Floor Report.)

Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Public Printing, to whom was referred

House Concurrent Resolution No. 5, "Be it resolved by the Legislature of the State of Texas, both Houses concurring, That the House of Representatives of the Thirty-second Legislature be authorized to change the form of the printed bills, so as to provide for a page of forty lines, of ten point type, exclusive of the folio line, each line to contain thirty-three and six-tenths of ten point ems, for which contractor for printing shall be paid \$1.12 1-2 per printed page."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

McNealus, Chairman; Vaughan, Terrell of McLennan, Terrell of Wise, Ward, Perkins, Astin, Sturgeon.

Committee Room,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 64, "A bill to be entitled "An Act authorizing the city of Bryan to sell and convey certain public grounds within the said city; and declaring an emergency."

Beg leave to report that same has been considered and recommend that same do pass.

Meachum, Chairman; Kauffman, McNealus, Perkins, Peeler, Collins, Lattimore, Hudspeth, Hume, Terrell of McLennan, Vaughan.

(Minority Report.)

Committee Room,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act to require the attendance of all boys and girls between the ages of seven years and seventeen, upon the public schools or some private school, for at least eighty days each school year, requiring parents or guardians to make monthly reports to the teachers, showing the cause of the absence of their children or wards, and making it a misdemeanor for any parent or guardian to fail to require their children of the lawful age to attend the required time, if not hindered by some cause unavoidable to such parent or guardian, making it a misdemeanor for a parent or guardian to fail to report the cause of absence of such children, when it occurs, and repealing all laws in conflict herewith."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Collins, Ratliff.

(Majority Report.)

Committee Room,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Educational Affairs, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act to require the attendance of all boys and girls between the ages of seven years and seventeen, upon the public schools or some private school, for at least eighty days each school year, requiring parents or guardians to make monthly reports to the teach-

ers, showing the cause of the absence of their children or wards, and making it a misdemeanor for any parent or guardian to fail to require their children of the lawful age to attend the required time, if not hindered by some cause unavoidable to such parent or guardian, making it a misdemeanor for a parent or guardian to fail to report the cause of absence of such children, when it occurs, and repealing all laws in conflict herewith."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 68, A bill to be entitled "An Act to amend Section 129, Acts of the Twenty-ninth Legislature of Texas, relating to the scholastic age, and to amend Section 89, Chapter 124, of the Acts of the Twenty-ninth Legislature relating to the scholastic census, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of the Senate,

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 88, A bill to be entitled "An Act creating the Electra Independent school District in Wichita county, Texas, and to provide for the election of trustees, raising revenue by taxation, issuing bonds, building school houses and maintaining public free schools therein, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 79, A bill to be entitled "An Act to provide for the establishment, organization and control of public high schools in the common school appropriation for the teaching of agriculture, domestic economy, and manual training in said high schools already established and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 2, "Whereas, the flag that was purchased by the State of Texas and used in wrapping the casket in which the remains of Stephen F. Austin were brought from Brazoria county to Austin for burial, is now in the possession of Mr. W. C. Day, Superintendent of Public Buildings and Grounds, and Whereas, the Daughters of the Republic of Texas desire to obtain and keep this flag as a memoir of that great and illustrious man, Stephen F. Austin."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Peeler, Chairman; Perkins, Johnson, Kauffman, Ratliff, Real, Greer, Warren, Murray.

(Majority Report.)

Committee Room,
Austin, Texas, Jan. 24, 1911,
Hon. A. B. Davidson, President of
the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 16, A bill to be entitled "An Act to amend Section 9 and Section 9g and Section 14 and Section 15 of Chapter 17 of the

Acts of the Thirty-first Legislature of the First Called Session, approved April 17, 1909, being An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale of and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and places wherein the same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such dealers and the conditions upon which the licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license, requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act and pre-

scribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' so as to provide that every person or firm, making an application for a permit to apply for a license as provided for in Section 9 of said Act, shall state in said application that he has not opened or kept open in person or by agent a house or place of business where intoxicating liquors have been or are to be sold, and that he has not in person or by agent sold any intoxicating liquors therein after the hours of 7 o'clock p. m. on each week day and between that hour and 6 o'clock a. m. on the next succeeding week day, and after 7 o'clock p. m. on Saturday of each week and between that hour and 6 a. m. on Monday of the next succeeding week; providing that the Comptroller shall rescind, vacate and withdraw retail liquor dealers' or retail malt dealers' license when it shall appear under the provisions of Section 9g that at any time after the issuance of said license the house or place where the business of selling of liquors under said license was conducted, was kept open or business conducted therein after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. of the following Monday of any week, and after 7 o'clock p. m. of each week day and from and between that hour and 6 o'clock a. m. of the next succeeding week day; and providing that every person or firm having a license under the provisions of said Act who may engage in, or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises, in any locality in this State other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. of each week day until 6 o'clock a. m. of the next week day, and from and after 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. of the following Monday, and so as to provide for conditioning of bond as provided for in Section 15 of said

Act, so as to provide as a condition of said bond that every person or firm, desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, shall not, either in person or knowingly by agent, employe or representative, during the year for which his or their license shall run, keep open the house or place where such liquors shall be sold under such license for the sale thereof or transact any such business therein after and from 7 o'clock p. m. on each week day until 6 o'clock a. m. of the next succeeding week day, and after and from 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. of the next succeeding week; and providing that as soon as this Act goes into effect, all retail liquor dealers' and retail malt dealers' licenses heretofore issued shall immediately cease and determine, and that the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance herewith, said licenses to be dated as of the date this act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such canceled license, as of the date this Act takes effect; and providing that during said thirty days, said licensee shall have the right to pursue his business under and in accordance with the canceled license and the laws applicable to the same, which, for that purpose, are hereby kept in force for said thirty days, and declaring an emergency."

I have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

HUDSPETH, Acting Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Jan. 24, 1911,

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred,

House bill No. 16, A bill to be entitled "An Act to amend Section 9 and Section 9g and Section 14 and Section 15 of Chapter 17 of the Acts of the Thirty-first Legislature of the First Called Session, approved April 17, 1909, being An Act to amend Chapter 138 of the Acts

of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale of and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein the same are sold; imposing an occupation tax upon persons, firms, corporations and associations of persons, selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, requiring retail liquor dealers and other persons to secure license to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication; and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this Act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the conditions of the bonds of such dealers and the conditions upon which the licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license, requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act and declaring an emergency,' and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a, and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto, and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes

effect in order to give time for securing licenses under this Act and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency,' so as to provide that every person or firm, making an application for a permit to apply for a license as provided for in Section 9 of said Act, shall state in said application that he has not opened or kept opened in person or by agent a house or place of business where intoxicating liquors have been or are to be sold, and that he has not in person or by agent sold any intoxicating liquors therein after the hours of 7 o'clock p. m. on each week day and between that hour and 6 o'clock a. m. on the next succeeding week day, and after 7 o'clock p. m. on Saturday of each week and between that hour and 6 a. m. on Monday of the next succeeding week; providing that the Comptroller shall rescind, vacate and withdraw retail liquor dealers' or retail malt dealers' license when it shall appear under the provisions of Section 9g that at any time after the issuance of said license the house or place where the business of selling of liquor under said license was conducted, was kept open or business conducted therein after 7 o'clock p. m. on Saturday of each week and between that hour and 6 o'clock a. m. of the following Monday of any week, and after 7 o'clock p. m. of each week day and from and between that hour and 6 o'clock a. m. of the next succeeding week day; and providing that every person or firm having license under the provisions of said Act who may engage in the sale of intoxicating liquors to be drunk on the premises, in any locality in this State other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 7 o'clock p. m. of each week day until 6 o'clock a. m. of the next week day, and from and after 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. of the following Monday, and so as to provide for conditioning of bond as provided for in Section 15 of said act, so as to provide as a condition of said bond that every person or firm, desiring to engage in the sale of spirituous, vinous or malt liquors or

medicated bitters capable of producing intoxication, to be drunk on the premises, shall not, either in person or knowingly by agent, employe or representative, during the year for which his or their license shall run, keep open the house or place where such liquors shall be sold under such license for the sale thereof or transact any such business therein after and from 7 o'clock p. m. on each week day until 6 o'clock a. m. of the next succeeding week day, and after and from 7 o'clock p. m. on Saturday of each week until 6 o'clock a. m. of the next succeeding week; and providing that as soon as this Act goes into effect, all retail liquor dealers' and retail malt dealers' licenses heretofore issued shall immediately cease and determine, and that the holders of such licenses shall have until thirty days after this Act takes effect in which to obtain licenses in accordance herewith, said licenses to be dated as of the date this act takes effect, and the tax collector shall give such licensee credit for the unearned portion of such canceled license, as of the date this Act takes effect; and providing that during said thirty days, said licensee shall have the right to pursue his business under and in accordance with the canceled license and the laws applicable to the same, which, for that purpose, are hereby kept in force for said thirty days, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Cofer, Ratliff, Townsend.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, Jan. 25, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed bills have carefully examined and compared:

Senate bill No. 83, A bill to be entitled "An Act to amend Section 60 and 128a, Chapter 11 of the laws of the special Session of 1905, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Twenty-eighth Legislature, of 1903, regulating elections, general, special and primary, and political conven-

tions, approved April 1, 1903, so as to hereafter read as follows, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

TENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 27, 1911.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Joint Resolution No. 2, "A Joint Resolution proposing an amendment to Article 16, Section 20, of the Constitution of the State of Texas, prohibiting the manufacture, sale,